IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 16772 of 2004

Between:

Kolleru Fishermen and Agricultural Small Farmers Association,
Rep. by its Secretary Saidu Satyanarayana S/o.Balaramaiah R/o.Paidi Chintapadu, Prathikolla Lanka
Post , Eluru Mandal, West Godavari District.

..... PETITIONER

AND

1 Commissioner of Firsheries Andhra Pradesh, Hyderabad.
2 The District Collector West Godavari District, Eluru.
3 Deputy Director Fisheries, Eluru, West Godavari District.
4 Assistant Director Fisheries, Eluru, West Godazvari District.
5 Divisional Forest Officer, Eluru, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, or order or direction more particularly one in the nature of Mandamus declaring the order Notice No.538/A/2004 dated 4-9-2004 issued by the Assistant Director-Fisheries, Eluru as wholly illegal and arbitrary and consequently to set aside the same.

Counsel for the Petitioner:MR.P.SRI RAGHU RAM

Counsel for the Respondents: GP FOR FISHERIES

The Court made the following:

The Hon’ble Sri Justice

K.C. Bhanu

W.P. No. 16772 of 2004

O R D E R:

A notice dated 4.9.2004 has been issued by the 4th respondent cancelling the registration of the petitioner-Society. Challenging the same, the present writ petition is filed.

The respondents filed a counter affidavit wherein several contentions have been raised. It is not necessary for this court to go into all the contentions that are raised by the petitioner and refuted by the respondents since the order under challenge is vitiated on the sole ground that before passing the said order no notice is given to the petitioner-Society and without affording any reasonable opportunity to the petitioner-Society the registration is cancelled with effect from the date of alleged cancellation of D-Form pattas. The 4th respondent has to take appropriate decision before cancelling the registration of the petitioner-Society after calling for the explanation from the petitioner-Society. Therefore, it is a case where the 4th respondent has completely overlooked the principles of natural justice. Hence, the impugned order is liable to be set aside.

In the result, the writ petition is allowed setting aside the impugned order dated 4.9.2004 of cancellation of registration of the petitioner-Society. However, the 4th respondent can pass appropriate orders after giving reasonable opportunity to the petitioner-Society, before he takes any decision.

K.C. Bhanu, J.

Date: 29--11—2004.

MVB.

To

1 Commissioner of Firsheries Andhra Pradesh, Hyderabad.
2 The District Collector West Godavari District, Eluru.
3 Deputy Director Fisheries, Eluru, West Godavari District.
4 Assistant Director Fisheries, Eluru, West Godazvari District.
5 Divisional Forest Officer, Eluru, West Godavari District.

6 Two C.Cs to G.P. for Fisheries, High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

7 Two C.D. Copies.